

ORDINANCE NO. 3662

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
BURBANK AMENDING CHAPTER 7 OF THE BURBANK  
MUNICIPAL CODE RELATING TO NOISE ATTENUATION IN  
RESIDENTIAL STRUCTURES.

City Attorney's Synopsis

This Ordinance amends portions of Chapter 7 of the Burbank Municipal Code relating to Noise Attenuation. It extends current noise insulation requirements, which apply to new hotels, apartments, and multifamily residences, to single family homes within the 60 dB CNEL noise contour. This project is part of the Bob Hope Airport Project which was examined in a Mitigated Negative Declaration approved by the Burbank-Glendale-Pasadena Airport Authority. As a responsible agency under the California Environmental Quality Act, the City considered the Mitigated Negative Declaration prior to approving the Municipal Code amendment.

THE COUNCIL OF THE CITY OF BURBANK FINDS:

A. The Council of the City of Burbank at its regular meeting of January 18, 2005 held a duly noticed public hearing on the amendments to the building code concerning sound insulation in single family homes. The Council continued the hearing and deliberations to January 25, 2005.

B. The building code amendments ("Project") is a component of the proposed Bob Hope Airport Project which was analyzed in and examined in a Final Mitigated Negative Declaration. On January 25, 2005, the Council adopted Resolution No. 26,891 where the City, as a responsible agency, made certain findings and considered the Final Mitigated Negation prior to its' consideration of several "City Discretionary Projects" of which the building code amendments were specifically included, in accordance with Title 14 California Code of Regulations ( the "CEQA Guidelines") §15096.

C. The Council considered the testimony and evidence presented at the public hearings, including the report and recommendation of the Community Development Department. The Council further considered the Final Mitigated Negative Declaration prior to acting on this Project.

D. The Council finds that this building code amendment is unrelated to the relocation or expansion of a commercial passenger terminal building at the Bob Hope Airport and as such, does not require a vote of the people. A vote is required by Section

11-112 of the Burbank Municipal Code only when a discretionary action authorizes a relocation or expansion of the airport terminal.

E. On December 8, 2004, the Los Angeles County Airport Land Use Commission, after a duly noticed public hearing, found that this Project is consistent with goals and policies of the Los Angeles County Airport Land Use Plan in accordance with Public Utilities Code Section 21670 et. seq.

F. On January 5, 2005 the Board of Building and Fire Code Appeals recommended the approval of this Ordinance.

#### THE COUNCIL OF THE CITY OF BURBANK ORDAINS:

1. Section 7-1801 of the Burbank Municipal Code is amended to read as follows:

##### **Sec. 7-1801. Purpose.**

The purpose of this article is to establish uniform minimum noise insulation performance standards to protect persons within new hotels, motels, apartment houses, and dwellings from the effects of excessive noise, including but not limited to hearing loss or impairment and interference with speech and sleep. This article is adopted pursuant to the requirements of the State Building Code as contained in Chapter 1 of Title 24, Part 2 of the California Building Code.

2. Section 7-1802 of the Burbank Municipal Code is amended to read as follows:

##### **Sec. 7-1802. Definitions.**

(a) "Community Noise Equivalent Level (CNEL)" means a cumulative measure of community noise exposure for a 24-hour day, using the A-weighting sound level and expressed in logarithmic units. This CNEL scale takes into account the single event sound level, single event duration, single event occurrence frequency, and the time of the occurrence of the noise source. It additionally applies weighting factors which place greater significance on noise events occurring in the nighttime (10 p.m. to 7 a.m.) than during the evening (7 p.m. to 10 p.m.) or daytime (7 a.m. to 7 p.m.) respectively. It is used for evaluating noise impact on an area. For the purposes of this article 'CNEL' shall be synonymous with the term "day-night noise level" or "Ldn."

(b) "CNEL Contour" is a continuous line of like Community Noise Equivalent Levels, as mapped and designated in the adopted City of Burbank General Plan.

3. Section 7-1803 of the Burbank Municipal Code is amended to read as follows:

##### **Sec. 7-1803. Application and Scope of Noise Insulation Performance Standards.**

The provisions of this article relating to noise insulation performance standards apply to the following new structures: hotels, motels, apartment houses, and dwellings, including attached and detached single family homes. Included within this definition is any new addition to an existing motel, hotel or multiple family structure, which requires a building permit; only that portion of the addition falls under the provisions of this article. The rehabilitation, remodeling, or the conversion to condominiums of existing units are exempt from the requirements relating to noise insulation contained in this article. The rehabilitation or remodeling of existing single family dwelling units are also exempt from the requirements relating to noise insulation except as set forth below. Should such structure be destroyed by any voluntary means to an extent of more than fifty (50) percent of its replacement cost immediately prior to destruction, it shall not be reconstructed except in conformity with the provisions of this article and which are applicable to new single family homes. Voluntary means may include destruction due to weather, disaster, fires, or other such acts not under the control of the property owner or contractor.

4. Section 7-1804 of the Burbank Municipal Code is amended to read as follows:

**Sec. 7-1804. Field Testing and Certification.**

Field testing shall be done under the supervision of a person experienced in the field of acoustical testing and engineering and shall forward test results to the building official showing that the minimum sound insulation requirements stated above have been met.

5. Section 7-1805 of the Burbank Municipal Code is amended to read as follows:

**Sec. 7-1805. Location and Orientation.**

Consistent with land use standards, residential structures located in noise critical areas, such as proximity to a select system of county roads and City streets (as specified in Section 186.4 of the State of California Streets and Highways Code), railroads, rapid transit lines, airports, or industrial areas, shall be designed to prevent the intrusion of exterior noises beyond prescribed levels with all exterior doors and windows in the closed position. Proper design shall include, but shall not be limited to, orientation of the residential structure, setbacks, shielding, and sound insulation of the building itself.

6. Section 7-1806 of the Burbank Municipal Code is amended to read as follows:

**Sec. 7-1806. Interior Noise Level Requirement.**

Interior community noise equivalent levels (CNEL), with windows closed, attributable to exterior sources shall not exceed an annual CNEL of 45 dB in any habitable room.

7. Section 7-1807 of the Burbank Municipal Code is amended to read as follows:

**Sec. 7-1807. Acoustical Analysis Requirement.**

(a) AIRPORT NOISE SOURCE.

Residential structures to be located within an annual CNEL contour of sixty (60) or higher require an acoustical analysis showing that the structure has been designed to limit intruding noise to the prescribed allowable levels.

EXCEPTION: Single-family dwellings located in a CNEL contour of 70-75 dB or below may comply with the provisions of Section 7-1810.

(b) VEHICULAR AND INDUSTRIAL NOISE SOURCES.

Residential buildings or structures to be located within an annual CNEL contour of sixty (60) or higher adjacent to the select system of county roads and City streets (as specified in Section 186.4 of the State of California Streets and Highways Code), freeways, state highways, railroads, rapid-transit lines and industrial noise sources shall require an acoustical analysis showing that the proposed building has been designed to limit intruding noise to the allowable interior noise levels prescribed in Section 7-1806.

EXCEPTION:

1. Railroads, where there are no nighttime (10:00 p.m. to 7:00 a.m.) railway operations and where day time (7:00 a.m. to 10:00 p.m.) railway operations do not exceed four (4) per day.
2. Single-family dwellings located in a CNEL contour of 70-75 dB or below may comply with the provisions of Section 7-1810.

8. Section 7-1808 of the Burbank Municipal Code is amended to read as follows:

**Sec. 7-1808. Compliance.**

Evidence of compliance shall consist of submittal of an acoustical analysis report, prepared under the supervision of a person experienced in the field of acoustical engineering, with the application for building permit. The report shall show topographical relationship of noise sources and dwelling site, identification of noise sources and their characteristics, predicted noise spectra at the exterior of the proposed dwelling structure considering present and future land usage, basis for the prediction (measured or obtained from published data), noise attenuation measures to be applied, and an analysis of the noise insulation effectiveness of the proposed construction showing that the prescribed interior noise level requirements are met. If interior allowable noise levels are met by requiring that windows be unopenable or closed, the design for the structure must also specify the means that will be employed to provide ventilation, and cooling if necessary, to provide a habitable interior environment.

9. Section 7-1809 of the Burbank Municipal Code is amended to read as follows:

## **Sec. 7-1809. Field Testing.**

Only when inspection indicates that the construction is not in accordance with the approved design, field testing may be required. Interior noise measurements shall be taken under conditions of typical maximum exterior noise levels within legal limits. A test report showing compliance or noncompliance with prescribed interior allowable levels shall be submitted to the Building Official.

Where a complaint as to noncompliance with this article requires a field test to resolve the complaint, the complainant shall post a bond or adequate funds in escrow for the cost of said testing. Such costs shall be chargeable to the complainant when such field tests show that compliance with these regulations is in fact present. If such tests show noncompliance, then such testing costs shall be borne by the owner or builder.

10. Section 7-1810 of the Burbank Municipal Code is amended to read as follows:

## **Sec. 7-1810. Alternate Sound Transmission Control Assemblies for New Single-Family Dwellings.**

### **A. CNEL Contour 60-65.**

1. Roof assemblies shall be constructed with fiberglass batt insulation with a minimum R-value of 38.
2. Wall assemblies shall be constructed with fiberglass batt insulation with a minimum R-value of 15.
3. For exterior walls parallel to the noise source, or at some angle less than perpendicular to the noise source, all windows shall have a minimum STC rating of 40. All Sliding glass doors and French doors shall have a minimum STC rating of 35. All windows shall be weatherstripped in accordance with the California Energy Efficiency Standards for Low-Rise Residential Buildings.  
EXCEPTION: Stained glass panels.
4. All exterior doors shall be 1-3/4" solid-core wood-slab doors, or 18-gage insulated steel-slab doors, with compression seals all around, including the threshold. All door glazing shall 3/4" double-pane insulating units with double-strength 1/8" glass.  
EXCEPTION:
  - a. Sliding glass and French doors. (see number 3 above)
  - b. Stained glass panels.
5. An acoustic acrylic mastic sealant (non-drying and non-hardening) shall be used to seal and caulk all penetrations in accordance with the California Energy Efficiency Standards for Low-Rise Residential Buildings.
6. A secondary weather-resistive barrier, or housewrap, shall be installed.

### **B. CNEL contours 65-70 dB and 70-75 dB.**

1. Structures in CNEL contours 65-70 dB and 70-75 dB shall conform to the requirements for CNEL contour 60-65 dB.

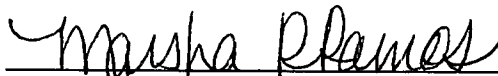
2. All windows shall have a minimum STC rating of 40. All Sliding glass doors and French doors shall have a minimum STC rating of 35. All windows shall be weatherstripped in accordance with the 2001 Energy Efficiency Standards for Low-Rise Residential Buildings.  
EXCEPTION: Stained glass panels.
  3. All exterior walls parallel to the noise source, or at some angle less than perpendicular to the noise source, shall be constructed, on the interior surface, with resilient channels 24" o.c. attached at right angles to the wood studs, with one layer of gypsum wallboard applied parallel to the channels. End joints of the wallboard shall be backblocked with resilient channels.
- C. CNEL contour 75-80 dB. Dwellings located in a CNEL contour of 75-80 dB or above shall meet the acoustical analysis requirements of Section 7-1807.

11. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance, and this City Council hereby declares that it would have passed the remainder of this Ordinance, if such invalid portion thereof has been deleted.

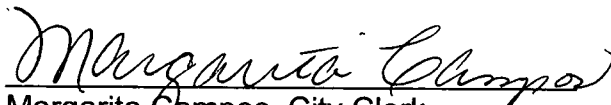
12. The City Clerk shall certify to the passage of this Ordinance and cause the City Attorney Synopsis of this Ordinance to be published once in a newspaper of general circulation, published and circulated in the City of Burbank, California.

13. This Ordinance shall become effective at 12:01 a.m. of the thirty-first day after publication. It shall not apply to any project which already has submitted an application for a building permit by the effective date.

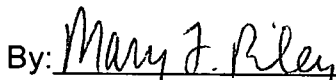
PASSED AND ADOPTED this 1st day of February, 2005.

  
 Marshal R. Ramos  
 Mayor of the City of Burbank

Attest: \_\_\_\_\_

  
 Margarita Campos, City Clerk

Approved as to Form and Legal Content  
 Dennis A Barlow, City Attorney

By:   
 Mary F. Riley, Sr. Asst. City Attorney

STATE OF CALIFORNIA       )  
COUNTY OF LOS ANGELES    ) ss.  
CITY OF BURBANK            )

I, Margarita Campos, City Clerk of the City of Burbank, do hereby certify that the foregoing Ordinance No. 3662 was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the 1st day of February, 2005, by the following vote:

AYES:       Council Members Campbell, Golonski, Murphy, Vander Borcht and Ramos.

NOES:       Council Members None.

ABSENT:     Council Members None.

I further certify that said Synopsis was published as required by law in a newspaper of general circulation in the City of Burbank, California on the 12<sup>th</sup> day of February, 2005.

  
Margarita Campos, City Clerk